

CHAPTER NO. 604

HOUSE BILL NO. 2844

By Representatives Curtiss, Marrero, Shepard, Langster, Coleman, Fowlkes, Hargett, Cooper, Moore, Overbey, Phillip Johnson, Crider, Eldridge, Cobb, McDaniel, Baird, Cochran, Roach, Davis, Swafford, Todd, Yokley, Montgomery, Tidwell, Litz, Maddox

Substituted for: Senate Bill No. 2766

By Senators Tracy, Ketron, Burchett, Cohen, Cooper, Bryson, Finney, Black, Burks, McLeary

AN ACT to amend Tennessee Code Annotated, Title 33, relative to services concerning developmental disabilities.

WHEREAS, developmental disability is a term that encompasses a variety of disabilities that may severely impact the physical and cognitive functioning capacity of an individual; and

WHEREAS, developmental disability may include, but is not limited to, autism, cerebral palsy, cystic fibrosis, mental retardation, spina bifida and any other condition with which an individual is born or acquires during the developmental years; and

WHEREAS, developmental disability can significantly impact a person's capacity to perform day-to-day activities such as eating, dressing, grooming, using the restroom, and many other activities representing skills that most Tennesseans take for granted; and

WHEREAS, proper services can ensure that persons with a developmental disability can live productive and fulfilling lives within their homes, families, schools, communities, and the workplace; and

WHEREAS, the lack of supports and services can lead to the limitation of physical, emotional, intellectual, and social capacity, which ultimately compromises not only the quality of life, but also health, family economics, and life expectancy for persons with a developmental disability; and

WHEREAS, mental retardation is the only developmental disability for which comprehensive supports and services are currently available in the state of Tennessee; and

WHEREAS, Tennesseans with a developmental disability other than mental retardation are deserving of the same consideration, supports, and services as their peers with mental retardation; and

WHEREAS, the family support program administered by the division of mental retardation services is the only state program for persons of all ages with a developmental disability; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 2, is amended by adding the following language as a new Section 33-5-212:

§33-5-212

In accordance with policies and procedures developed and adopted by the state family support council and the division of mental retardation services, information gathered through the family support program on persons with a developmental disability other than mental retardation for whom comprehensive home and community-based services are needed shall be provided to the division of mental retardation services on a quarterly basis. The division of mental retardation services shall establish a task force to conduct a statewide needs assessment to study the needs of persons with a developmental disability other than mental retardation for whom comprehensive home and community-based services do not exist, to identify the capacity of the system to meet such needs, and to develop a plan to provide cost-effective home and community-based services for such persons. The task force shall complete its assessment and the development of such plan by June 30, 2007, at which time the task force shall be terminated. The division of mental retardation services shall coordinate the development of such plan with relevant state agencies, including, but not limited to, the department of mental health and developmental disabilities, the commission on aging and disabilities, and the department of education. The division shall present the task force's findings to the house and senate government operations committees no later than January 15, 2008, or earlier in the discretion of the committees.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: April 17, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 4th day of May 2006


PHIL BREDESEN, GOVERNOR